

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

CATHERINE ROBERTS AND
KRISTEN CLEMENTS,

Plaintiffs,

v.

Civil Action No.: 14-cv-03890

CAESARS ENTERTAINMENT, INC.
D/B/A HARRAH'S PHILADELPHIA
AND CPL. JOANNE DRAGOTTA,

Defendants.

**DEFENDANT'S OPPOSITION TO PLAINTIFFS' MOTION
FOR LEAVE TO FILE SUR-REPLY**

Defendant Harrah's Chester Downs Management Company, LLC d/b/a Harrah's Philadelphia Casino & Racetrack (improperly identified as Caesars Entertainment, Inc. d/b/a Harrah's Philadelphia) (hereinafter referred to as "Defendant"), submits this Opposition to Plaintiffs' Motion for Leave to File Sur-Reply. On September 9, 2014, Defendant filed a Motion to Dismiss pursuant to Fed. R. Civ. P. 12(b)(1) and 12(b)(6). (Docket ("Doc.") #16). Plaintiffs filed their Opposition to Defendant's Motion to Dismiss on September 23, 2014. (Doc. #19). On September 30, 2014, Defendant filed its Reply in Support of its Motion to Dismiss. (Doc. #20). On October 6, 2014, Plaintiffs filed a Motion for Leave to File Sur-Reply to Defendant's Reply. (Doc. #21). Judge Savage's rules do not permit the filing of a sur-reply. (Judge Savage's Policies and Procedures p. 4).


Despite Judge Savage's rule prohibiting a sur-reply, it may be reasonable for the Court, in extraordinary circumstances, to grant a motion to file a sur-reply. Here, however, no rare circumstances exist to justify granting Plaintiffs' motion. Rather, Plaintiffs' motion and attached

sur-reply merely restate their original arguments that they previously asserted in their opposition brief. A sur-reply would not provide Plaintiffs with their first chance to address issues. Defendant also notes that Plaintiffs' proposed sur-reply, again, mischaracterizes the case law. Plaintiffs' disregard for Judge Savage's rules, and their attempt to simply have the "last word," without adding anything of substance, should be denied.

Accordingly, Defendant respectfully requests that Plaintiffs' Motion for Leave to File Sur-Reply be denied, and that Defendant's Motion to Dismiss be granted, with prejudice.

Respectfully submitted,

JACKSON LEWIS, P.C.

By: 

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ATTORNEYS FOR DEFENDANT

Dated: October 6, 2014

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CERTIFICATE OF SERVICE

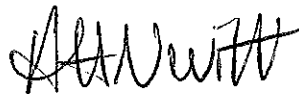
I hereby certify that I caused to be served a true and correct copy of the foregoing *Defendant's Opposition to Plaintiffs' Motion for Leave to File Sur-Reply* upon the following counsel of record, via the Court's ECF Filing System, this 6th day of October 2014:

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Respectfully Submitted,

JACKSON LEWIS P.C.



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